



PATENT

Attorney Docket No.: 002900/D2/EPIC/EPIC/JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Suketu A. Parikh) Group Art Unit: 2818
) Examiner: Berry, Renee R.
)
Serial No.: 09/843,419) <u>Response To Office Action Mailed</u>
Confirmation No. 9329) <u>6/30/2004</u>
Filed: 4/26/01)
) PATENT COUNSEL
For: Techniques For Triple And) APPLIED MATERIALS, INC.
Quadruple Damascene) Legal Affairs Department
Fabrication) P.O. Box 450 A
) Santa Clara, CA 95052

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This response concerning the above-identified application is in response to the Office Action mailed on June 30, 2004.

AFFIRMATION OF ELECTION OF SPECIES

Applicant hereby affirms the election of claims 33 and 35-55, in response to the Examiner's restriction requirement.

DOUBLE PATENTING

The Examiner rejected claims 33 and 35-55 "under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 6,225,207." A Terminal Disclaimer To Obviate A Double Patenting Rejection which applicant believes to be in compliance with 37 CFR 1.321(c) is enclosed. As evidenced in the enclosed Terminal Disclaimer, the above-identified patent application and U.S. Patent No. 6,225,207 are both owned by Applied Materials, Inc. The inventor of the above-identified patent application and U.S. Patent No. 6,225,207 is Suketu A. Parikh.

Applicant believes that the enclosed Terminal Disclaimer overcomes the Examiner's rejection of claims 33 and 35-55. Applicant therefore respectfully submits that claims 33 and 35-55 are in a condition for allowance under obviousness-type double patenting.